UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,210	05/14/2001	Neil Parpart	10003642-1	9812

7590   07/14/2004

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EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/855,210	PARPART, NEIL
	Examiner	Art Unit
	James A. Kramer	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-7, 10, 12-16, 21, 25, 30-33, and 35-36 rejected under 35 U.S.C. 103(a) as

being unpatentable over Roberts in view of Waxelbaum et al.

Roberts teaches an apparatus and method for managing a transaction. Roberts teaches

using a transaction terminal with manual code reading means in the form of a bar code reader

(column 7; lines 38-39) to wand a first bar code (Figure 2; number 51) to open a data packet in

the data memory of the terminal. In addition a transaction code associated with the bar code is

enter in to the data packet signifying a vendor or catalog identification code (column 8; lines 41-

50). Examiner notes that the data packet of Roberts corresponds to Applicant's transaction file

and wanding the first bar code corresponds to reading a machine readable vendor identity code.

Roberts teaches step two as wanding the bar code over a second bar code (Figure 2;

number 52) which allows the user to select a product. The user is then able to scan a bar code

associated with a desired product from a catalog. This product code is then appended to the data

packet (column 8; lines 51-65) (reading a machine readable product identity code with scanning

means and storing said product identity code in said transaction file).

Roberts further teaches when all the desired products have been entered, the user wands a

bar code associated with the message "Swipe Card" (Figure 5; number 54). The user then

swipes a credit card through a carder reader attached to the terminal. The card number is then

appended to the data packet (column 9; lines 9-16). Examiner interprets the credit card number

to be a user identity code and thus by swiping this card, the user is reading a machine-readable

user identity code with scanning means and stores the user identity code in a transaction file.

Roberts next teaches the user wanding a bar code associated with the message "Done –

Send Order" (Figure 5; number 55). The terminal responds by closing the data packet, dialing up

a host computer and downloading the data packet to the host computer (column 9; lines 17-21).

Examiner notes that the host computer of Roberts corresponds to Applicant's order center.

Examiner further notes that Roberts teach another variation of the invention would be to

structure the command manager routine so that wanding of the select product and enter quantity

bar codes did not have to be repeated. This could be done by temporarily storing these

commands in program command buffers so the customer could repeat each of them by hitting a

single key. Clearly this represents activating mode buttons as part of the terminal.

Claim 2, further includes an order center data network address stored in the memory

element where the transaction file is sent over a data network to the order center network

address. Roberts teaches that the transaction terminal includes a program storage device which

stores both a command management program for managing the sequential entry and execution of

program commands and a set of command execution routines. Each command execution routine

is associated with a program command (column 3; line 63- column 3; line 3). Roberts further

teaches, in the preferred version that a predetermined sequence of program commands includes a

data transmit command. The command execution routine associated with the data transmit

command includes a series of program steps for activating the data communication device to

transmit data stored in the data storage device to the host computer (column 3; lines 30-38). Examiner interprets the data transmit command of Roberts to correspond to applicant's order center network address and the execution of this command (i.e. sending the data packet to the host computer) represents transmitting the transaction file over a data network to the order center network address.

Claim 3 further comprises receiving the transaction file at the order center, extracting vender identity code from the transaction file, determining a destination vendor data network address and forwarding the transaction file to the destination vendor data network address. Roberts teaches that the host computer is able to recognize the meaning and significance of each of the data fields in the data packet. Particularly, since the host computer receives, with the data packet, an identification of the vendor and the transaction program involved, it is relatively simple to interpret the contents of the data fields. Once again the Examiner states that the transaction file corresponds to the data packet and the order center to the host computer. Therefore, it is clear that Robert teaches extracting the vender identity from the transaction file and determines a destination vendor data network address.

Roberts does not specifically include forwarding the transaction file to the said destination vendor data network address. However, Examiner notes that it is inherent to the system of Roberts that the data packet (transaction file) is forwarded to the vendor. Clearly, the host computer (order center) of Roberts is not the vendor and is thus not capable of supplying the user with the desired items. Therefore, for the user to receive those items the host computer (order center) must forward the transaction request to the vendor. There is no other way for the user to get the desired goods.

Claim 4 further comprises the scanning means having two ends, one with a reader and one with a connector with user mode button arranged between. Figure 1 of Roberts shows the transaction terminal with Barcode wand, 21 or a reader and then a modem, which connects to the public telephone network (data network). The modem clearly represents a connector end. In addition the buttons that can be programmed to represent mode buttons are configured between the ends.

Claims 12 and 14 further comprises using a vendor mode switching means to place scanning means in a vendor mode prior to reading vendor identity code and vendor mode indicator means for indicating that scanning means is in the vendor identity mode, using a user mode switching means to place scanning means in a user mode prior to reading user identity code and user mode indicator means for indicating that scanning means is in the user identity mode, using a product mode switching means to place scanning means in a product mode prior to reading product identity code and product mode indicator means for indicating that scanning means is in the product identity mode, and using a order mode switching means to place scanning means in a order mode and order mode indicator means for indicating that scanning means is in the order mode. Once again Examiner relies on Figures 2 and 5; numbers 51, 52, 54, and 55. In particular, Roberts teaches the user wanding one of the previously mentioned bar codes in order to place the terminal in the corresponding mode. In addition, Roberts teaches the terminal with a display for providing user with messages. For example when user scans the bar code associated with Figure 2; number 51 the terminal displays a request for a vendor ID (column 8; lines 41-50). Examiner notes that the messages displayed represent an indicator means and wanding the appropriate bar code represents a switching means.

Claims 15 and 16 further comprises receiving a transaction confirmation signal with

confirmation indicator means from order center upon receipt of transaction file. Roberts teaches

after the terminal dials up the host computer and downloads the data packet; the host sends back

a command that causes the terminal to display the total dollar value and ask fro a confirm or

cancel data entry. The host may also send a final acknowledgement and process complete

(column 9; lines 20-27).

Claim 21 further comprises activating order status switch means to transmit an order

status request over the data network. Receiving order status request with a peripheral device.

Once again Examiner relies on Roberts column 9; lines 15-25, in which the user scans a bar code

associated with "send order" and receives confirmation from the host computer (order center).

In addition, Examiner also points to Roberts column 14; lines 58-59, that teaches a simple printer

device could be used to record the transaction as it is entered and sent. This clearly represents a

peripheral device.

Roberts does not teach connecting cordless scanning means to a cradle module.

Waxelbaum et al teaches a hand held code reader as part of a portable data collection system

with a docking station to provide an interface with the host terminal. The docking station may

include a cradle adapted to receive and secure the mobile handheld reader. (e.g. column 3; lines

33-45 and Figures 1, 2, 3, and 4(b)).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the transaction terminal of Roberts to include a cradle to provide a

secure interface with the host computer as taught by Waxelbaum.

Claims 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts

in view of Waxelbaum et al. as applied to claims 1-4, 6-7, 10, 12-16, 21, 25, 30-33, and 35-36

above, and further in view of Microsoft Press Computer Dictionary.

Roberts in view of Waxelbaum et al. does not teach reading a catalog title from a catalog

with optical reading means. Microsoft Press Computer Dictionary teaches optical character

recognition as the process in which an electronic device examiner printed characters on paper

and determines their shapes by detecting patterns of dark and light. Once the scanner or reader

has determined the shapes, character recognition methods – pattern matching with stored sets of

characters – are used to translate the shapes into character recognition.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the scanner of Roberts to include optical character recognition so

as to read printed characters rather than just bar codes. One of ordinary skill would have been

motivated to modify the reference in order to allow the system to read and translate text.

Conclusion

Applicant's arguments with respect to the pending claims have been considered but are

moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
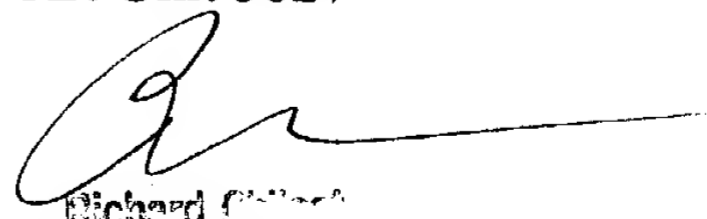
final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241.

The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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